

BEFORE  
THE PUBLIC SERVICE COMMISSION  
OF SOUTH CAROLINA  
DOCKET NOS. 2017-305-E and 2017-370-E

IN RE:	)	<b>PREHEARING BRIEF OF</b>
	)	<b>STATE OF SOUTH CAROLINA</b>
Request of the South Carolina Office of	)	<b>EX REL. ALAN WILSON,</b>
Regulatory Staff for Rate Relief to	)	<b>ATTORNEY GENERAL</b>
SCE&G Rates Pursuant to	)	
S.C. Code Ann. § 58-27-920	)	
_____	)	
IN RE: Joint Application and Petition of	)	
South Carolina Electric & Gas Company	)	
and Dominion Energy, Inc. for review and	)	
approval of a proposed business combination	)	
between SCANA Corporation and	)	
Dominion Energy, Inc., as may be required,	)	
and for prudency determination regarding	)	
the abandonment of the V. C. Summer Units	)	
2 & 3 Project and associated merger benefits	)	
and cost recovery plans.	)	
_____	)	

The Attorney General has intervened in this proceeding for one purpose and one purpose only. Beginning with the Attorney General's opinion in September 2017, and until today, we have asserted in every proceeding that the BLRA is unconstitutional as applied to SCE&G ratepayers. The more than 700,000 SCE&G customers deserve to have been treated fairly and constitutionally by the BLRA. Yet, they were not.

Last year, we submitted to the Commission an almost 100 page Brief, detailing the numerous constitutional deficiencies in the BLRA. We summarized these violations as follows:

As we assert in this Brief, the Attorney General strongly believes that the BLRA unconstitutionally deprives SCE&G ratepayers of the right to have utility rates regulated in the “public interest,” as well as the right to due process and equal protection. Moreover, the property of SCE&G ratepayers, in the form of excessive rates, has been “taken” without just compensation in violation of the federal and State Constitutions. SCE&G has made clear its intention to abandon these unfinished plants, which have already cost ratepayers billions of dollars and customers are continuing to be charged with no end in sight. The result of these constitutional deprivations – which the BLRA has imposed in the form of exploitative rates – is that an SCE&G ratepayer has witnessed an enormous increase in his or her utility bill with nothing to show for it. The reality is there are no new nuclear plants, only an abandoned site. . . We thus respectfully ask the Commission to correct this intolerable situation as the ORS has requested in its Petition. For the reasons set forth below, the Motion to Dismiss by SCE&G should be denied and the ORS Request should be granted.

AG’s Opposition to SCE&G’s Motion to Dismiss, filed November 21, 2017, in 2017-305-E.

We reiterate those legal positions here and incorporate that Brief by reference as our Prehearing Brief. As we stated in that Brief, from a constitutional standpoint, the BLRA leaves ratepayers holding the bag. As the chief law officer of the State, who possesses the duty to protect the public interest and the wellbeing of a utility’s ratepayers, the Attorney General may assert the constitutional rights of those ratepayers. We seek to do that before the PSC.

Respectfully submitted,

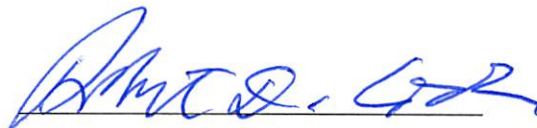
ALAN WILSON  
Attorney General

ROBERT D. COOK  
Solicitor General  
S.C. Bar. No. 1373

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BY:

A handwritten signature in blue ink, appearing to read "J. Emory Smith, Jr.", written over a horizontal line.

ATTORNEYS FOR THE  
STATE OF SOUTH CAROLINA EX REL.  
ALAN WILSON, ATTORNEY GENERAL

October 26, 2018